

# House Concurrent Resolution No. 85

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

6126H.011

D. ADAM CRUMBLISS, Chief Clerk

2       **WHEREAS**, the Missouri legislature holds that the first principle of education, and  
3 therefore of education policymaking, is that parents are the primary educators of their children,  
4 and because responsibility for the education of children lies primarily with their parents, so too,  
5 to the greatest extent possible, should decision-making authority over elementary and secondary  
6 education in the state of Missouri; and

7       **WHEREAS**, the Missouri legislature trusts that the educators of Missouri, and not the  
8 elected officials or their staff, bureaucrats, or lobbyists from non-governmental organizations of  
9 Washington, D.C., are better equipped to determine academic content for their students and to  
10 ensure the success of each child enrolled in a Missouri public school; and

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12       **WHEREAS**, the Tenth Amendment to the Constitution of the United States declares  
13 that, “The powers not delegated to the United States by the Constitution, nor prohibited by it to  
14 the States, are reserved to the States respectively, or to the people”; and

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16       **WHEREAS**, the Tenth Amendment defines the scope of federal power as being that  
17 specifically granted by the Constitution of the United States; and

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19       **WHEREAS**, the Tenth Amendment unequivocally sets forth that we, the people of the  
20 United States of America and each sovereign state in the Union of States, now have, and have  
21 always had, powers that the federal government may not usurp; and

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23       **WHEREAS**, the Constitution of the United States does not delegate to the federal  
24 government the power to regulate or fund elementary or secondary education; and

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26       **WHEREAS**, because education is not an enumerated power delegated to the federal  
27 government by the United States Constitution, it is reserved to the states respectively or to the  
28 people; and

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30       **WHEREAS**, because members of Washington, D.C.-based non-governmental  
31 organizations and international corporate lobbyists have more access and have exerted more  
32 influence with Congress and the U.S. Department of Education than the average citizen  
33 constituent to shape education policies affecting individual students and their families in publicly  
34 supported schools; and

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36       **WHEREAS**, the Missouri legislature, which is directly accountable to the citizens of  
37 Missouri, is the appropriate body to empower parents and educators to determine academic  
38 content, free from any pressure from the United States Department of Education; and  
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40       **WHEREAS**, the Department of Education's implied threat to withhold Missouri  
41 taxpayer's Title I funds if the state does not comply with conditions of the Every Student  
42 Succeeds Act that are noncompliant with article IX, section 1(a) of the Constitution of Missouri,  
43 which states, "A general diffusion of knowledge and intelligence being essential to the  
44 preservation of the rights and liberties of the people, the general assembly shall establish and  
45 maintain free public schools for the gratuitous instruction of all persons in the state within ages  
46 not in excess of twenty-one years as prescribed by law" is inconsistent with the U.S. Supreme  
47 Court decision in *National Federation of Independent Business, et al. v. Sebelius*, 132 S. Ct.  
48 2566 (2012):  
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50       **NOW THEREFORE BE IT RESOLVED** that the members of the House of  
51 Representatives of the Ninety-eighth General Assembly, Second Regular Session, the Senate  
52 concurring therein, hereby:

53       (1) Urge Congress to end all current and prohibit any further interference by the United  
54 States Department of Education with respect to state decisions regarding academic content  
55 standards;

56       (2) Request that all compulsory federal legislation that interferes with the sovereign state  
57 of Missouri's constitutional authority over educational standards and materials through civil  
58 threats, sanctions, criminal penalties, or loss of federal funding be repealed and prohibited;

59       (3) Demand the prohibition of federal programs that incentivize states to adopt certain  
60 academic standards or adopt a state accountability system compliant with federal statute, or  
61 subject to review by the United States Department of Education or that require federal  
62 government access to individually identifiable student data, or pass specific education legislation  
63 to maintain federal funding; and

64       (4) Recognize that it is the duty of the Missouri legislature to exercise its constitutional  
65 authority to resist and overturn any interference by the United States Department of Education  
66 or the United States Congress relating to Missouri's academic standards, assessments,  
67 supervision of instruction, and educational materials; and  
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69       **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of  
70 Representatives be instructed to prepare a properly inscribed copy of this resolution for the  
71 President of the United States, the President of the United States Senate, the Speaker of the  
72 United States House of Representatives, and to each member of the Missouri Congressional  
73 delegation.

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